

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 569 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

and

MR.JUSTICE H.R.SHELAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DAHYABHAI PRABHUDAS PATEL

Versus

POLICE INSPECTOR

Appearance:

MR SP HASURKAR for Petitioner

MR BP MUNSHI for Respondent No. 3

MR.S.T.MEHTA, ADDL.GOV.T.PLEADER for Respondents Nos.1
and 10

CORAM : MR.JUSTICE S.D.DAVE and

MR.JUSTICE H.R.SHELAT

Date of decision: 15/07/96

ORAL JUDGEMENT (Per Deve, J.)

Rule. Learned counsel Mr. B.P.Munshi waives the service of Rule for respondents nos. 3, 5, 6, 7 and 8. Learned counsel Mr. R.K.Mishtra waives for respondents nos. 1 and 9, while learned Government Counsel Mr. S.T.Mehta waives the service of the Rule for respondents 1 and 10. Respondents nos. 2 and 4 have been deleted from the present proceedings.

The petitioner Dahyabhai P. Patel happens to be the father of a girl known as Priyanka alias Pinal. According to the petitioner father, the girl was borne on 16/4/1981 and she happens to be below the requisite age. The allegations are that the girl was taken away by the deleted respondent no.2 Mukeshkumar Ashokbhai Parmar with the help and assistance of his friends and relations. It appears that the Police was in look out for the minor girl Priyanka and Mukeshkumar Parmar. From the talk that we had with Priyanka, it appears that she could be apprehended by her maternal uncle from a place near Palsana village in Palsana Taluka of Valsad District.

We have ascertained the true desire and wish of Priyanka. She confirms that her birth date is 16th April 1981. She says that she would like to go in the company of the petitioner father Dahyabhai Patel. The petitioner is present before us in the Court and he makes a statement that he would like to have minor Priyanka in his custody.

We feel that it is absolutely necessary for us to safe-guard interest and welfare of Priyanka who is undoubtedly a minor, having born on 16/4/1981. More than once, Priyanka had said before us that she would like to go in the company of the petitioner father. We would like to order accordingly. We, therefore, order that minor Priyanka is free to go in the company of the petitioner father Dahyabhai Patel. Rule is made absolute accordingly.

We do not express any opinion on other contentions raised or are to be raised by the respective parties.

The petitioner father Dahyabhai Patel is present before us. He is ordered and directed to give the undertaking before this court during the course of the day saying that Priyanka has been taken in his custody and that he shall look after the interest and welfare of the girl.

Learned counsel Mr. Munshi points out that better course for us would be to send Priyanka to some

Women Organisation so that she can have a cool frame of mind to reconsider her destiny. We do not find this course to be necessary because time and again, Priyanka had said that she would like to go in the company of the petitioner father. Priyanka being a minor, petitioner father happens to be the natural guardian. We pass the above said orders regard being had to the settled principles that paramount consideration, in such cases for the Court, should be the interest and welfare of the minor.
